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July 17, 1997

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY  
180 FLEET STREET  
LONDON EC4A 3HD  
44-171-413-0011  
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BY HAND DELIVERY

William F. Caton, Acting Secretary  
Federal Communications Commission  
1919 M Street, N.W. Room 222  
Washington, DC 20554

RE: MM Docket No. 87-268

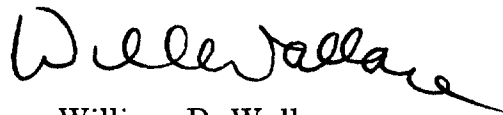
EX PARTE

Dear Mr. Caton:

On July 17, 1997, at 10:30 a.m., Ward Quaal, John I. Stewart, Jr., and William D. Wallace, representing Fouce Amusement Enterprises, Inc. ("Fouce"), met with Commissioner James H. Quello and his legal advisor Marsha J. MacBride, Esq. Fouce is the licensee of television broadcast Station KRCA, Riverside, California. On behalf of Fouce, a presentation was made explaining the difficulties associated with the assignment of DTV Channel 69 to Station KRCA in the Sixth Report and Order in the above-referenced docket, as outlined in the enclosure. Also discussed were the benefits to the station and its viewers of the Commission making a different DTV channel assignment to Station KRCA and the Commission's processing of the pending petitions for reconsideration of the Sixth Report and Order.

In accordance with Section 1.1206(b)(2) of the Commission's Rules, two copies of this letter and the enclosure are being filed with the Secretary for inclusion in the public record of this proceeding.

Very truly yours,



William D. Wallace

Enclosure

cc: The Honorable James H. Quello  
Marsha J. MacBride, Esq.

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Fouce Amusement Enterprises, Inc.  
Station KRCA-TV, Riverside, California

KRCA currently operates on Channel 62 in the Los Angeles market. The Sixth Report and Order assigned DTV Channel 69 to KRCA. This channel is not usable for DTV operations in Los Angeles. Moreover, if this assignment were not changed, KRCA would be the only station in the Los Angeles market with both NTSC and DTV channels outside the DTV core spectrum. KRCA has asked that it be assigned a new DTV channel within the core spectrum.

**I. Channel 69 Is Not a Viable DTV Channel Assignment.**

- KRCA's DTV transmitter would be essentially collocated with 24 land mobile base stations operating within 6 MHz of Channel 69.
- The Commission has properly concluded that operation of DTV transmitters within 10 miles of adjacent-channel land mobile operations is not technically viable. Sixth Report and Order, ¶ 164; see KRCA's Petition for Reconsideration, at 6-12.
- In these circumstances, Section 73.687(e)(4)(ii) of the Commission's Rules would preclude KRCA from operating DTV Channel 69 at even 1% of its authorized power. See KRCA's Petition for Reconsideration, at 14.
- No filters or equipment modifications or other methods of avoiding interference to these land mobile operations are currently available. See KRCA's Petition for Reconsideration, at 12-15.

**II. Assignment of Channel 69 to KRCA Is Inconsistent with FCC Policies.**

- KRCA's DTV channel assignment violates the 110-mile separation rule the Commission adopted for adjacent-channel land mobile operations. 47 C.F.R. § 73.623(e).
- Assignment of Channel 69 contradicts the Commission's decision to eliminate DTV assignments within 10 miles of adjacent-channel land mobile facilities. Sixth Report and Order, ¶ 164
- Because Channel 69 is not usable as a DTV channel, its assignment to KRCA is inconsistent with the Commission's goals of full accommodation and service area replication for existing TV stations. Sixth Report and Order, ¶¶ 11, 29.

- The Commission originally proposed DTV Channel 26 for KRCA. The Commission had never assigned Channel 69 in the Los Angeles market until the Sixth Report and Order, and, therefore, no party had any opportunity to comment on it.
- Assignment to KRCA of two channels outside the core, while other stations were assigned two channels within the core, is inconsistent with Section 336(c) of the Communications Act and arbitrarily denies KRCA the advantages the Commission granted to all other Los Angeles market stations. See KRCA's Petition for Reconsideration, at 22-23.

**III. Other Parties Have Recognized That Assignment of DTV Channel 69 to KRCA Is Contrary to the Public Interest.**

- The Land Mobile Communications Council filed a Petition for Reconsideration of the Sixth Report and Order, demonstrating that KRCA's Channel 69 assignment would result in harmful interference to land mobile operations.
- The County of Los Angeles filed a Petition for Reconsideration in which it objects to KRCA's DTV assignment because of the potential for interference to its own adjacent-channel land mobile stations.
- The Association for Maximum Service Television identified the Los Angeles market as one of three problem markets in which the DTV channel assignments require revision, specifically recognizing the land mobile interference problem for KRCA and requesting that the Commission address the assignment of DTV Channel 69 to KRCA.
- Eight other Los Angeles area broadcasters have filed petitions for reconsideration requesting modifications to the DTV Table. None of these requests should be resolved unless a new DTV channel is assigned to KRCA. See KRCA's Motion for Partial Stay and Petition for Reconsideration of the Sixth Report and Order.